

Application Serial No.: 09/408,198
Attorney Docket No.: 0190145

REMARKS

This Amendment and Response is in response to the *Advisory* Office Action of January 3, 2006, where the Examiner has rejected claims 1-8, 10-14, 16-18, 21 and 22, and has objected to claims 18, 21 and 22. Applicant acknowledges and appreciates the Examiner's statement that claims 1-8, 10-13, 18 and 21-22 would be allowable if rewritten or amended to overcome the rejections under 35 USC §112, ¶ 2.

Further, applicant appreciates the Examiner's time for the courteous interview conducted with the undersigned on January 23, 2006. Pursuant to the discussion with the Examiner, in addition to hereby resubmitting the amendment and response to the *Final* Office Action that was not entered by the Examiner, applicant hereby submits an amended to claim 1 to delete the word "a" and an amendment to claim 14 to add the words "using a signal selection circuitry coupled to the photo-sensor array."

By the present amendment, claims 1, 4, 14, 18 and 22 have been amended. After the present amendment, claims 1-8, 10-14, 16-18 and 21-22 are pending in the present application. As agreed with the Examiner, applicant respectfully submits that claims 1-8, 10-14, 16-18 and 21-22 are now in condition for allowance, and an early Notice of Allowance for pending claims 1-8, 10-14, 16-18 and 21-22 in view of the following remarks is respectfully requested.

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A. Objection to the Specification

The Examiner has objected to the specification for certain clerical errors in the written description on pages 9, 11, 14 and 16. By the present amendment, as shown above, applicant has amended the written description to cure such clerical errors. Accordingly, applicant respectfully submits that the Examiner's objection to the specification has been overcome.

B. Objection to the Claims

The Examiner has objected to claims 4, 14, 18 and 22 for certain clerical errors. By the present amendment, applicant has amended claims 4, 14, 18 and 22 to cure such clerical errors. Accordingly, applicant respectfully submits that the Examiner's objection to the claims has been overcome.

C. Rejection of Claims 1-8 and 10-13 under 35 USC §112, ¶ 2

The Examiner has rejected claims 1-8 and 10-13, under 35 USC §112, ¶ 2, as being indefinite. By the present amendment, applicant has amended independent claim 1 to replace "at least one of a predetermined pulse width and frequency thresholds" with -- at least one of predetermined pulse width and pulse frequency thresholds--. Accordingly, applicant respectfully submits that the Examiner's rejection of claims 1-8 and 10-13, under 35 USC §112, ¶ 2, has been overcome.

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D. Rejection of Claims 14 and 16-17 under 35 USC §102(b)

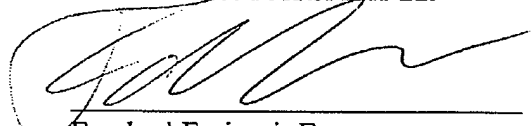
The Examiner has rejected claims 14 and 16-17, under 35 USC §102(b), as being anticipated by Eastmond, et al. (USPN 5,355,242) ("Eastmond").

By the present amendment, applicant has amended claim 14 to recite "selectively outputting, using a signal selection circuitry coupled to the photo-sensor array, the corresponding electrical signals based on at least one of a pulse frequency threshold and a power threshold." Accordingly, applicant respectfully submits that claim 14, as amended, and its dependent claims 16-17, should be allowed at least for similar reasons that the Examiner has found claim 18 to be in condition for allowance.

E. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 1-8, 10-14, 16-18 and 21-22 pending in the present application is respectfully requested.

Respectfully Submitted,
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